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individually and on behalf of a class of  
8 similarly situated individuals  
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16 Attorneys for Defendants  
SEE'S CANDY SHOPS, INC. and  
SEE'S CANDIES INC.  
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18 UNITED STATES DISTRICT COURT  
19 NORTHERN DISTRICT OF CALIFORNIA  
20

21 AVI WEISS, individually and on behalf of a  
class of similarly situated individuals,

22 Plaintiff,

23 v.

24 SEE'S CANDY SHOPS INC., SEE'S  
CANDIES INC., and DOES 1 through 5,

25 Defendants.  
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Case No. 16-cv-00661-EMC

CLASS ACTION

**STIPULATED REQUEST TO CONTINUE  
FURTHER CASE MANAGEMENT  
CONFERENCE AND HEARING AND  
BRIEFING DEADLINES ON  
DEFENDANTS' MOTION TO DISMISS**

Assigned Hon. Edward M. Chen

Complaint filed: February 9, 2016  
Trial Date: TBD

**TO THE COURT, ALL PARTIES, AND THEIR ATTORNEYS OF RECORD:**

Pursuant to Northern District of California Local Rules 6-1, 6-2, and 7-12, plaintiff Avi Weiss and defendants See's Candies, Inc. and See's Candy Shops, Inc. (collectively "See's"), by and through their respective counsel, hereby respectfully stipulate and jointly request that the Court continue the further case management conference as well as the hearing and briefing deadlines on See's motion to dismiss as set out below.

**RECITALS**

WHEREAS, on March 16, 2017, the Court continued: (1) the deadline for plaintiff to oppose See's motion to dismiss to fourteen days after the Court ruled on the parties' discovery dispute; (2) the deadline for See's to reply in support of its motion to dismiss to 28 days after the discovery ruling; and (3) the hearing on See's motion to dismiss from April 27, 2017 to May 25, 2017 at 1:30 p.m. Dkt. 45.

WHEREAS, the Court ruled on the parties discovery dispute on March 20, 2017. Dkt. 47.

WHEREAS, See's is gathering the information necessary to amend its responses pursuant to the Court's discovery ruling, but, as the Easter holiday is a tremendously busy time for See's, it may not be able to produce complete responses until May 3, 2017.

WHEREAS, plaintiff's deadline to oppose See's motion to dismiss is currently April 3, 2017 and See's deadline to reply is currently April 17, 2017.

WHEREAS, based on the current schedule plaintiff would be required to oppose See's motion to dismiss before See's produces amended responses.

WHEREAS, the parties have met and conferred and agreed to extend plaintiff's deadline to oppose See's motion to dismiss from April 3, 2017 until May 17, 2017 and See's deadline to reply in support of its motion to dismiss from April 17, 2017 until May 31, 2017.

WHEREAS, the proposed briefing schedule will require a continuance of the further case management conference and the hearing on See's motion to dismiss. Counsel for both parties are available to attend the hearing on June 22, 2017 at 1:30 p.m. and request that the Court continue the hearing and further case management conference to that date.

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1 WHEREAS, prior modifications of time in this case occurred:

- 2 • on February 29, 2016, when the parties agreed to extend See's deadline to respond
- 3 the complaint to April 4, 2016 (Dkt. 15);
- 4 • on May 20, 2016, when the Court granted the parties' request to continue the initial
- 5 case management conference from June 2, 2016 until August 18, 2016 (Dkt. 26);
- 6 • on February 22, 2017, when the Court granted the parties' request to continue the
- 7 hearing on See's motion to dismiss from April 13, 2017 to April 27, 2017 (Dkt.
- 8 41); and
- 9 • on March 16, 2017, when the Court granted the parties' request to continue: (1)
- 10 plaintiff's deadline to oppose See's motion to dismiss from March 16, 2017 until
- 11 14 days after it resolved the parties discovery dispute; (2) See's deadline to reply in
- 12 support of its motion to dismiss from March 30, 2017 to 28 days after the Court
- 13 resolved the parties discovery dispute; and (3) the further case management
- 14 conference and hearing on See's motion to dismiss from April 27, 2017 to May 25,
- 15 2017.

16 WHEREAS, the continuance requested herein will not otherwise affect the schedule for the  
17 case.

18 WHEREAS, defendants' counsel Eric DiIulio attests that Suzanne Havens Beckman  
19 concurs in filing this stipulation.

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**STIPULATION**

NOW, THEREFORE, IT IS HEREBY STIPULATED by and between the parties, by and through their respective counsel, that plaintiff's deadline to oppose See's motion to dismiss is extended from April 3, 2017 until May 17, 2017, See's deadline to reply in support of its motion to dismiss is extended from April 17, 2017 until May 31, 2017, and the further case management conference and hearing on See's motion to dismiss be continued from May 25, 2017 to June 22, 2017 at 1:30 p.m.

**IT IS SO STIPULATED.**

Dated: March 30, 2017

Parisi & Havens, LLP

By /s/ Suzanne Havens Beckman

David C. Parisi

Suzanne Havens Beckman

-and-

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*Attorneys for Plaintiff*

Dated: March 30, 2017

SHEPPARD MULLIN RICHTER & HAMPTON LLP

By 

Neil A.F. Popović

Eric J. DiIulio

*Attorneys for Defendants*

1 **[~~PROPOSED~~] ORDER**

2 PURSUANT TO STIPULATION, IT IS SO ORDERED:

3  
4 DATED: 3/31, 2017

